

1 **STIP**

2 **BRIAN J. SMITH, ESQ.**
3 **State Bar Number 11279**
4 **9525 Hillwood Dr., Suite 190**
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6 **702-380-8248**
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8 **Attorney for HERNANDEZ**

9
10 **UNITED STATES DISTRICT COURT**

11 **IN AND FOR THE DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 **Plaintiff,**

14 **vs.**

15 **AARON HERNANDEZ,**

16 **Defendant.**

17 **)** **Case No.: 2:16-cr-00122-APG-VCF**

18 **)** **STIPULATION TO CONTINUE**
19 **)** **HEARING REGARDING REVOCATION**
20 **)** **OF SUPERVISED RELEASE**

21 **)** **(SECOND REQUEST)**

22 *Certification:* This stipulation is filed pursuant to General Order 2007-04.

23 IT IS STIPULATED between the defendant AARON HERNANDEZ through his
24 attorney BRIAN J. SMITH, ESQ., and the United States of America, through BRANDON
25 JAROCH, Assistant United States Attorney, that the hearing regarding revocation of
supervised release currently scheduled for September 22, 2016, at the hour of 10:30
a.m., be vacated and set to a date and time convenient to this court, but no event earlier
than ninety (90) days.

26 This Stipulation is entered into pursuant to General Order 2007-04 and based
27 upon the following:

- 28
1. There has been one previous continuance granted to the defense in this case.
 2. Defense counsel was appointed on April 21, 2016.
 3. The defense will require more time to complete said discovery review.
 4. The parties agree to the continuance.

5. Denial of this request for continuance would deny the defendant sufficient time to be able to fairly resolve his case, taking into account the exercise of due diligence.
 6. Also, denial of this request or continuance would result in a miscarriage of justice.
 7. For the above stated reasons, the parties agree that a continuance of the calendar call and trial date would best serve the ends of justice in this case.
 8. The additional time requested by this stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
 9. This is the second request for a continuance on the hearing regarding revocation of supervised release in this case.

DATED this 15th day of September, 2016.

RESPECTFULLY SUBMITTED BY:

/s/ Brandon Jaroch
BRANDON JAROCH
Assistant United States Attorney

/s/ Brian J. Smith
BRIAN J. SMITH
Attorney for HERNANDEZ

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10 **UNITED STATES DISTRICT COURT**

11 **IN AND FOR THE DISTRICT OF NEVADA**

12 **UNITED STATES OF AMERICA,**

13 **Plaintiff,**

14 **vs.**

15 **AARON HERNANDEZ,**

16 **Defendant.**

17 **)** **Case No.: 2:16-cr-00127-APG-VCF**

18 **)** **STIPULATION TO CONTINUE**
19 **)** **HEARING REGARDING REVOCATION**
20 **)** **OF SUPERVISED RELEASE**

21 **)** **(SECOND REQUEST)**

22 **FINDINGS OF FACT**

23 Based upon the submitted Stipulation, and good cause appearing therefore, the
24 Court finds that:

- 25 1. The defense will require additional time to review the submitted discovery in
26 this case.
27 2. This stipulation complies with General Order 2007-04.

28 **CONCLUSIONS OF LAW**

- 29 1. Denial of this request for continuance would deny the defense herein
30 sufficient time and the opportunity within which to be able to effectively and
31 thoroughly research and prepare this case, taking into account the exercise
32 of due diligence.

2. Additionally, denial of this request for continuance would result in a miscarriage of justice.
 3. For all of the above stated reasons, the ends of justice would best be served by a continuance of the trial date, and such continuance outweighs the best interest of the public and the defendant to a speedy trial.
 4. The additional time requested by the stipulation, is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), considering the factors under 18 U.S.C. § 3161(h)(7)(B)(i) and (iv).
 5. This is the second request for a continuance.

ORDER

IT IS ORDERED that the revocation of supervised release currently scheduled for September 22, 2016, at the hour of 10:30 a.m., be vacated and continued to December 29, 2016 at the hour of 9:00 a.m. in Courtroom 6C.

UNITED STATES DISTRICT JUDGE

DATED: September 15, 2016